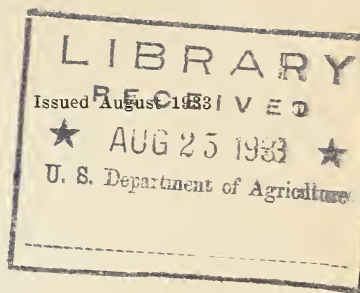


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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICE OF JUDGMENT UNDER THE REGULATIONS OF THE NAVAL STORES ACT

[Approved by the Acting Secretary of Agriculture, Washington, D.C., August 5, 1933]

5. Adulteration of turpentine. U.S. v. Simon Bennett (S. Bennett). Plea of nolo contendere. Fine, \$50. (N.S. No. 6. N.S.I. No. 27682.)

This case was based on an interstate shipment of 11 barrels of an article labeled "Gum Spirits Turpentine" from 6 of which official samples were taken. Three of these samples were found to contain mineral oil, probably kerosene.

On January 18, 1932, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid an information against Simon Bennett, trading as S. Bennett at Snider's Cross Roads, near Walterboro, S.C., charging violation of the Naval Stores Act of March 3, 1923, in connection with the shipment on or about June 30, 1931, from the State of South Carolina into the State of Georgia, of a quantity of a product labeled "Gum Spirits Turpentine", which differed from the standard for turpentine as defined in the said act, since it contained a mineral oil.

It was alleged in the information that the use in commerce of the word "turpentine", in and with the combination of words "Gum Spirits Turpentine" was in violation of the said act, in that it was used in the shipment, and the offering for sale in commerce, of an article purporting to be an article of naval stores of the United States standard, namely, "spirits of turpentine made from gum (oleoresin) from a living tree", whereas the article was not gum spirits of turpentine, since it consisted in part of mineral oil, a substance other than naval stores as defined by the law.

It was further alleged in the information that the use in commerce of the words "Gum Spirits Turpentine" in connection with the sale of turpentine which contained mineral oil, was a false, misleading, and deceitful means and practice in the sale of naval stores.

On January 23, 1933, the defendant entered a plea of nolo contendere to the information and the court imposed a fine of \$50.

R. G. TUGWELL, Acting Secretary of Agriculture.

